

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HARRY J. WHITMAN,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF
CORRECTIONS, ELDON VAIL,
RONALD FRAKER, BRENT CARNEY,
JAY A. JACKSON, and JAMIE
CALLEY,

Defendants.

No. C11-5457 BHS/KLS

ORDER GRANTING EXTENSION OF
TIME TO RESPOND TO MOTION FOR
SUMMARY JUDGMENT

On August 16, 2012, Defendants filed a motion for summary judgment. ECF No. 60. The motion is noted for September 14, 2012. *Id.* On August 27, 2012, Plaintiff filed a motion seeking an additional 90 days to respond to the motion. ECF No. 61. Plaintiff states that he needs the additional time to file his response because since April 5, 2012, he was infracted, placed in segregation, transferred, denied access to his legal materials, and is awaiting the return of 1800 documents which are being printed from a discovery disk produced by Defendants. *Id.*

Department of Corrections' records reflect that Plaintiff was in segregation from April 5, 2012 through June 13, 2012, that several documents were returned to him at his request, that he is now in possession of all documents he is permitted to have within DOC policy, and that his transfer, which he requested, occurred over one month ago. ECF No. 63, Exh. 1 (Declaration of Yvette Stubbs). However, Defendants do not object to a 45-day continuance. ECF No. 63.

ORDER- 1

1 A 45-day continuance appears reasonable under all the circumstances.

2 Accordingly, it is **ORDERED**:

3 (1) Plaintiff's motion for extension of time (ECF No. 61) to file his response to
4 Defendants' motion for summary judgment is **GRANTED in part**. Plaintiff shall file his
5 response to Defendants' motion (ECF No. 60) **on or before October 22, 2012**. Defendant may
6 file a response **on or before October 26, 2012**. The Clerk is directed to **re-note** Defendant's
7 motion for summary judgment (ECF No. 60) for **October 26, 2012**.
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9 (2) The Clerk shall send copies of this Order to Plaintiff and to counsel for
10 Defendants.
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12 **DATED** this 18th day of September, 2012.

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14 Karen L. Strombom
15 United States Magistrate Judge
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